 **LA name & OCD Number**

**Food Standards Scotland**

**Local Authority Food Law Enforcement Services**

**Capacity and Capability Audit**

**Regulation (EU) 2017/625 Checklist- Article 4**

| **Regulation (EU) 2017/625** **Article 4** **Designation of competent authorities** |
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| **Question** | **Answer** | **Comments/Evidence** | **Auditor’s Notes** |
| Does the LA have the right legal powers for these areas:* Officer authorisations;
* Prosecutions;
* Notices;
* Approvals.
* Sampling
 | Yes/No |  | *The scheme of delegated authority should be coherent and complete, with provision for the delegation of all relevant food law enforcement powers.*  |
| Does the LA have a documented procedure covering authorisations (CP 4.1)? | Yes/No |  | *An authorisation procedure should cover:* * *delegated powers - who is authorised to do what and what qualifications are required;*
* *who is authorised to approve legal proceedings (auditors will need to confirm these delegations through the Authority's standing orders and scheme of delegation);*
* *the arrangements in place for refresher and induction training;*
* *the assessment process to ensure and demonstrate that the Authority has assessed the competence of the authorised officers in accordance with CP 4.1 (inspection techniques; HACCP assessment; knowledge of legislation; food technology – if high risk – appropriate competency in the technology involved (CP 4.8.)*
 |
| Has the LA appointed specialist officer(s) (where applicable) with responsibility for: * Food Hygiene
* Food Safety
* Food Standards
 | Yes/NoYes/NoYes/No | Name of Officer(s): | *4.7. Lead Officer* *1. The Food Authority must notify the FSS of the name and contact details (including email address) of their Lead Officer and of any changes of Lead Officer.* *2. Food Authorities must appoint a suitably qualified, competent and experienced Lead Officer to take lead operational and management responsibility for food hygiene, food safety and food standards.. The Lead Officer appointed must meet the relevant requirements set out in sub-section 4.8 of this Code and have an up-to-date technical understanding of the food production processes used in the Food Authority’s area. Alternative arrangements for the appointment of Lead Officer may be considered in consultation with, and with the agreement of FSS* |
| Do the specialist officers have the relevant qualifications and knowledge?* Food hygiene;
* Food Standards
 | Yes/NoYes/No |  | *CP – Food Authorities must appoint a suitably qualified, competent and experienced Lead Officer to take lead operational and management responsibility for food hygiene, food safety and food standards..* |
| Does it appear that there Is a sufficient number of suitably authorised staff employed by the LA to carry out enforcement activities? | Yes/No |  | *Auditors should check that the resources needed and those available to carry out food/feed law enforcement activities are properly specified in the service planning arrangements.*  |
| If there is a shortfall in resources, how is this being addressed? |  |  | *Any shortfall should also have been identified and highlighted by the LA in the service planning documents – if not, auditors should investigate further* |
| Are there other officers authorised for food law enforcement activities who have not been routinely involved in this area of work? | Yes/No |  | *Auditors should check on site whether generic authorisations have been issued that also cover, for example, pollution, housing and/or health & safety law enforcement officers.* |
| Are any other staff used for food law enforcement work? | Yes/No |  | *Food Authorities should be satisfied that contracted or temporary enforcement staff meet the qualification and experience requirements set out in CP 4.5 and are duly authorised in writing (CP 4.1)* |
| Are officers acting in accordance with their authorisations/individual levels of qualification, training and experience? | Yes/No |  | *If generic authorisations have been conferred, then auditors should test through interview and file checks that the officers are aware of any limitations placed on their authorisations.* |
| Are inspections being carried out by correctly authorised staff?Article 5.1 (g) | Yes/No |   |  |
| How are officer/Service training needs identified? |  |  |  |
| Has the LA established a training programme? | Yes/No |  |  |
| Are any training needs in relation to enforcement identified and included in the training programme? | Yes/No |  | E.g. RIP (Scotland) Act 2000, *and other training relevant to processing formal actions.* |
| Are officer qualifications and training records maintained by LA? | Yes/No |  |  |
| Are records of the content, objectives, duration and assessments of training maintained? | Yes/No |  |  |
| How are OC’s verified in practice as being effective and appropriate?What checks are done to ensure OC’s are free from any conflict of interest?What labs do they use |  |  |  |
| Has the LA identified the equipment and facilities it requires? | Yes/No |  |  |
| Are the equipment and facilities available? | Yes/No |  | *Some equipment may not be required on a regular basis and some authorities may, in these circumstances, have documented arrangements to borrow necessary items from neighbouring LAs.* |
| Does the Authority properly maintain facilities and equipment | Yes/No |  | *Auditors should ascertain the types and quantities of equipment used by the Authority. Are all pieces of equipment adequately covered?* |
| e.g. Does this cover the implementation of:* The equipment calibration;
* Recording of results & actions
 |  |  |  |
| Is the Authority’s recording system capable of providing accurately the information required by FSS? | Yes/No |  | *The auditors should obtain the monitoring information received by the FSS (SND) and cross-reference it with the LA’s records.*  |